

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
June 20, 2016

I. ADMINISTRATIVE

- A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Town Chair Kris Hampton, Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee were all present, along with Attorney Connie Anderson, Clerk Kim Banigan, Treasurer Debra Abel, Highway Superintendent Jeff Smith and Deputy Jennifer Grafton.
- B. Hampton called the meeting to order at 6:30 P.M.
- C. Minutes of previous meeting(s):
  - 1. **MOTION** by Williams/DuPlayee to approve the minutes of the public hearings and Town Board meeting held on June 6, 2016 with the addition of who donated the tables for Emergency Government. **MOTION CARRIED 4-0.**
  - 2. **MOTION** by DuPlayee/Williams to approve the open and closed session minutes from June 7, 2016, and to keep the closed session minutes closed until the matter is resolved. **MOTION CARRIED 4-0.**
- D. Finance Report and Approval of Bills:
  - 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #30412-30453 from Monona State Bank. **MOTION CARRIED 4-0.**
  - 2. The Treasurer asked that June per diem reports be submitted by June 30<sup>th</sup>, and provided an analysis of court revenues and expenses from January through May for the years of 2014, 2015 and 2016.
- E. Public Concerns: Kristi Williams reported that she had attended the dedication of Sr. Airman Dan Johnson Memorial Park earlier this evening, a culmination of Andrew Grob's eagle scout project. Comments were that it was very well done.
- F. Road Right of Way Permits: None.

II. BUSINESS:

- A. Discuss Residential Development Review Process: Plan Commission/Board Roles, Concept Plans, Plat Approval Process, Land Use/Zoning Recommendations (including case review of Viney proposal and status update to Board): Attorney Anderson presented a memo outlining development review process that must be followed for the proposed subdivision at 3695 County Road N:
  - 1. Normally the Village's ETJ would come into play, but a 2-year waiver was obtained for this project, during which the Village will not exercise its ETJ.
  - 2. The developer must enter into a pre-development agreement with the Town and make a deposit to be applied toward professional and publication fees, etc. so that the development does not cost the taxpayers.
  - 3. The property must be in the proper zoning district as well as in the TDR overlay district in order to use transferred development rights. Along with this comes the need for related notices and conservation easement documents.
  - 4. Traditionally a concept plan is approved before a preliminary plat is submitted. The concept plan for this development has been discussed at two Plan Commission meetings already, with the position taken at the first meeting reconsidered at the second. This Wednesday will be the third appearance, when the developer is directed to come back

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
June 20, 2016

with a concept plan for 15 lots showing locations for houses, wells and septic fields. The developer has submitted both a concept plan and a preliminary plat for this meeting. Once the concept plan is accepted, the preliminary plat should be referred to the consultants.

5. Ultimately the Town Board makes the final decision on the preliminary plan, including all conditions of approval. These conditions are crucial: if the applicants meet the conditions on the preliminary plat, they are entitled to the final plat. Timing is of the essence as well, as the Town has just 90 days to act on the preliminary plat. If no action is taken in that time frame, the plat is deemed approved. Anderson's memo included a list of suggested conditions.

Discussion was that the main question regarding this development at the Plan Commission level has been one of density: should it be 11 or 15 lots. There is a disparity between the Comprehensive Plan and Land Division ordinance on this matter, a minor adjustment to the land division ordinance seems to be in order.

- B. Reconsider conditions placed on 2016-17 Non-metallic mining permit for 2294 US Highway 12 & 18 operated by Rocky Rights, LLC and operated by Wade Cattell of Raymond P. Cattell, Inc.: Mr. Cattell and his attorney Buck Sweeny were present. Mr. Cattell stated that the quarry is a registered non-conforming site. Atty. Anderson explained that this means it is not subject to laws enacted after it was established. It can be subjected only to conditions related to public health and safety. The Town's ordinance was enacted before case law made that distinction. The Town needs to decide what the issues are and create an appropriate ordinance.

Anderson had prepared a permit that included language stating "In the interest of public health, safety and welfare, no hauling shall occur outside of the above hours EXCEPT where (1) material is required to assist with an emergency or a contract that required night work AND (2) prior notice is given to the Town by email and/or phone. Prior notice by both methods is preferred, prior notice by one method IS REQUIRED." There was discussion as to what constitutes an emergency project, with Mr. Cattell stating that not all of his drivers would have email access. **MOTION** by Williams/DuPlayee to approve the revised conditions as proposed by Atty. Anderson. **MOTION CARRIED 4-0.** (Operating hours remained as 6:00 A.M. to 6:00 P.M., Monday – Saturday, as previously approved.).

(Atty. Anderson left the meeting)

- C. Review May Police activities: There were 258 calls for service and 162 citations in May, 101 of them for speeding. Deputy Grafton reported that there was nothing of great significance in May, although she did recently cite a speeder for over 90 m.p.h. on Vilas Hope Road after nearly being hit by the speeding vehicle. The recent Firemen's Festival was uneventful as well, aside from a few fireworks complaints.

(Deputy Grafton left the meeting)

- D. Discuss/Consider approval of Operator's Licenses tabled from the June 6th Meeting:
  1. Brooke Larson: Ms. Larson was present to explain her underage ticket in October of 2014. **MOTION** by Fonger/Williams to approve an Operator's license for Brook Larson for the period of July 1, 2016 through June 30, 2017. **MOTION CARRIED 4-0.**

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
June 20, 2016

2. Allyssa Waldron: Ms. Waldron was present to explain her OWI in December of 2014. **MOTION** by Fonger/Williams to approve an Operator's license for Brook Larson for the period of July 1, 2016 through June 30, 2017. **MOTION CARRIED 4-0.**
  - E. Review Madison Area Radio Control Society's use of the flying field on Huston's property north of Uphoff Road: MARCs president David Rusch said that weather had only allowed them to fly three times in the period from April 26 through June 18th as allowed under condition 2 of the rezone, and proposed a new set of conditions which he said were agreeable to the neighbors, and included an agreement statement and signatures of Charles and Betty Devine of 2342 Uphoff Road. No action was taken as the Town Board has no authority to modify the conditions of the zoning.
  - F. Discuss/Consider approval of a CSM for lot line adjustment between 2165 and 2170 Independence Circle: **MOTION** by Fonger/DuPlayee to approve the CSM as presented, identified as Office Map No. 160263 dated May 2, 2016. **MOTION CARRIED 4-0.**
  - G. Discuss/Consider Parade Procession Race for – Carrie Sweet (responsible party), Aids Resource Center of Wisconsin (organization): July 28, 2016 Bicycle ride to include Femrite and Hope Roads, a portion of Vilas Road, Clark Street, Nora, South Jargo and Deerfield Roads between 6:00 A.M. and 12:00 P.M.: There was a brief discussion about the dangerous nature of the roads chosen for this ride, especially given that the Glacial Drumlin trail would lead to the same destination as half of the ride. **MOTION** by Hampton/Fonger to approve the Parade, Procession or Race permit and letter to notify residents. **MOTION CARRIED 4-0.**
  - H. Discuss/Consider quote from Town and Country Engineering for engineering of improvements to intersections of Nora and Uphoff Roads and Ridge and Jargo Roads: Smith had obtained a quote from Town and County Engineering, Inc. not to exceed \$8,000 for all engineering required for design and construction services for 2017 improvements to the Y intersections at Nora/Uphoff Roads and Ridge/Jargo Roads. **MOTION** by Fonger/Williams to approve the quote, not to exceed \$8,000. **MOTION CARRIED 4-0.**
  - I. Discuss/Consider enforcement of TCG Ord. Sec. 11.09 Unoccupied Property Maintenance for overgrown vegetation at 4648 Meadowlark St.: The Clerk reported that the owner of record had contacted her today explaining that she had turned the property over to the mortgage company a year ago under a reverse mortgage. The Clerk called the number she provided and was told that an emergency order would be placed to have the property mowed within 48 hours. Tom Van Maren, 4642 Meadowlark St., said he had also spoken to the mortgage company representative. No action, the Clerk and Highway Superintendent will monitor the situation and report back.
  - J. Discuss/Consider options to keep 2011 Crown Vic squad car or replace with new leased squad in 2017: DCSO Captain Teuscher had provided the cost for a new squad of \$10,866.08 for the years 2017-2020 and \$5347.83 for 2021 and 2022. Consensus was to keep the 2011 Crown Vic for at least one more year.
  - K. Set date for first Town Board meeting in July (due to Independence Day): The meeting will be held on Tuesday, July 5<sup>th</sup>.
- III. CLERK'S REPORT: August 9<sup>th</sup> Primary ballots have arrived and will be mailed to absentee requests on file this week.
- IV. HIGHWAY SUPERINTENDENT'S REPORT:

TOWN OF COTTAGE GROVE  
TOWN BOARD MEETING  
June 20, 2016

- A. The owner of 4407 Vilas Hope Road has drawn the attention of the Dane County Highway Department for filling in the ditch of County Road BB without the necessary permits.
- B. The owner of the orchard at 3252 Vilas Road installed a 7 foot gravel shoulder without a permit to work in the right-of-way. Smith has obtained a letter from the Town Engineer telling what needs to be done to correct it, which Smith will send to the property owner along with an application for a permit to work in the right-of-way.
- C. Installation of the new Town garage roof is mostly complete.

V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton received a thank you from the Monona Grove School Board for the Town's assistance with providing information regarding their November 2015 referendum.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Williams reported that the most recent cost figures on the two ambulances have come in even lower than the boards approved, and that Marshall EMS is wanting to talk about a consolidation. Hampton reported that the July commission agenda will include another discussion about whether or not to keep the 2009 Horton.

VII. Adjournment: **MOTION** by DuPlayee/Williams to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 8:26 P.M.

Kim Banigan, Clerk  
Approved 07-05-2016